

SUMMARY OF EXAMINER INTERVIEW

Applicants would like to thank Examiner Nguyen for granting an interview on November 10, 2008, and for considering proposed amendments and arguments regarding deficiencies in the prior art, particularly Johnson, and clarification with respect to Applicants' specification.

During the interview, Applicants attempted to clarify that the claimed invention accesses and analyzes medical information across a number of patients, whereas the Johnson disclosure involves a method for identifying and compiling medical information pertaining to an individual patient into a master record. Examiner Nguyen agreed that this limitation appeared to distinguish the claimed invention from the cited Johnson reference. Examiner Nguyen suggested Applicants present formal amendments outlining this distinction. The present communication is submitted in this regard.

Additionally, Examiner Nguyen requested additional information with respect to the equations used in the Specification. In particular, Examiner Nguyen inquired as to the identification of components comprising the equations used in the Specification.

REMARKS

The Office Action mailed August 7, 2008, has been received and reviewed. Each of claims 1-5 and 7-45 stands rejected. Claims 12, 13, 17, 20, 21, 23, and 27 have been canceled. Claims 1, 2, 4, 7-11, 16, 19, 22, 24-25, 30-33, 35, 38, 40 and 43 have been amended herein. Care has been exercised to introduce no new subject matter. Reconsideration of the above-identified application in view of the above amendments and the following remarks is respectfully requested.

Rejections based on 35 U.S.C. § 112

Claims 4 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action asserts the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claims 4 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 19 have been amended to recite “wherein the set of rules comprises a set of rules based on at least one ~~autocorrelation~~ pre-generation function executed on the ~~transactional-clinical-source records~~.” Support for the amendment from “autocorrelation” to “pre-generation” is found in paragraphs [0019] and [0020] of the Specification. Applicants believe the claims, as amended, overcome the 35 U.S.C. § 112 rejections. As such, Applicants respectfully request withdrawal of the 35 U.S.C. § 112 rejections.

Rejections based on 35 U.S.C. § 101

Claims 1-45 stands rejected under 35 U.S.C. § 101 on the basis that the claimed invention is directed to non-statutory subject matter. Applicants have amended claims 1, 16, 30, 38 and 43 to comprise the necessary physical articles or objects to constitute an article of manufacture within the meaning of 35 U.S.C. § 101.

Claim 1 has been amended to recite “an input interface of a computer system receiving one or more source records.” Claim 16 has been amended to recite “receiving at least one source record at a computing system.” Claim 30 has been amended to recite “input means on a computer system for receiving source records.” Claim 38 has been amended to recite “source records received at a computing system.” Claim 43 has been amended to recite “source records received at a computing system.”

Applicants believe claims 1, 16, 30, 38 and 43, as amended, overcome the 35 U.S.C. § 101 rejections. As such, Applicants respectfully request withdrawal of the 35 U.S.C. § 101 rejections of claims 1, 16, 30, 38 and 43.

Each of claims 2-5, 7-11, 14-15, 18-19, 22, 24-26, 28-29, 31-37, 39-42 and 44-45 depend, either directly or indirectly, from claims 1, 16, 30, 38 or 43. Accordingly, Applicants respectfully request the 35 U.S.C. § 101 rejections of claims 2-5, 7-11, 14-15, 18-19, 22, 24-26, 28-29, 31-37, 39-42 and 44-45 be withdrawn.

Rejections based on 35 U.S.C. § 102(b)

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . .

claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 19133, 1920 (Fed. Cir. 1989); *see also*, MPEP § 2131.

Claims 1-5 and 7-45 stand rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent No. 5,664,109, hereinafter “Johnson”). As Johnson does not describe, either expressly or inherently, each and every element of the rejected claims, Applicants respectfully traverse the rejection as hereinafter set forth.

Independent claim 1 has been amended herein to include the generation of “a dimensional enhanced data grouping...comprising at least one data component of the source records and at least one extended dimension reflecting at least one of a causal and correlated relationship to at least one data component for the source record data.” Applicants respectfully submit that the amendments submitted herein distinguish the claimed invention from the Johnson reference, which is directed to identifying and compiling records on a patient-by-patient basis. *See generally Johnson*. Johnson does not disclose a system that derives a causal relationship between data as currently claimed. Moreover, Johnson fails to teach or suggest at least one extended dimension comprises at least one attribute, variable, or quantity of a data component from the source record data. In contrast, Johnson discloses the rearrangement of patient data into “master patient record.” *See Johnson*, column 3, line 23. As such, Johnson fails to disclose the use of an extended dimension.

Accordingly, it is respectfully submitted that Johnson fails to describe, either expressly or inherently, each and every element of currently amended claim 1. Thus, claim 1 is not anticipated by Johnson and, therefore, withdrawal of the 35 U.S.C. § 102(b) rejection of this claim is respectfully requested. Independent claims 16, 30, 38 and 43 contain similar amendments requiring that the “at least one extended dimension comprises at least one attribute,

variable, or quantity of a data component from the source record data” that distinguish the claims from Johnson for similar reasons. As such, withdrawal of the 35 U.S.C. § 102(b) rejection of claims 16, 30, 38 and 43 is respectfully requested.

Each of claims 2-5, 7-11, 14-15, 18-19, 22, 24-26, 28-29, 31-37, 39-42 and 44-45 depend, either directly or indirectly, from claims 1, 16, 30, 38 or 43 and is, accordingly, not anticipated by Johnson for at least the above-cited reasons. Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejection of claims 2-5, 7-11, 14-15, 18-19, 22, 24-26, 28-29, 31-37, 39-42 and 44-45 is respectfully requested.

CONCLUSION

For at least the reasons stated above, claims 1-5, 7-11, 14-16, 18-19, 22, 24-26, and 28-45 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or kadsmith@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/ Kristin D. Smith /

Kristin D. Smith
Reg. No. 63,545

KSS/tq
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550